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Attorney for Defendant

Attorney for Defense
PHILLIP R SMITH

DISTRICT COURT

CLARK COUNTY, NEVADA

UNITED STATES OF AMERICA,

Plaintiff,

Case No.: 2:11-cr-0058-JAD-CWH

v.

PHILLIP SMITH; and
DEVELLE RURAL MERRITTE,

Defendant.

Stipulation For Extension of Time [First Request]

ORDER

IT IS HEREBY STIPULATED AND AGREED, by and between the United States of America, by and through Daniel G. Bogden, United States Attorney, and Phillip N. Smith, Jr., Assistant United States Attorney, and DEVELLE RURAL MERRITE, by and through his attorney, Rebecca A. Levy, Assistant Federal Public Defender, and Defendant, PHILLIP SMITH, by and through his attorney, Richard E. Tanasi of Tanasi Law Offices, that the date for Defendant Smith to file Objections to the Report and Recommendations [Doc.#220] be extended for seven (7) days.

This stipulation is entered for the following reasons:

1. Counsel for Defendant Smith has been dealing with a heavy work-load, necessitating more time for Counsel to prepare Objections. Undersigned counsel for Defendant

1 Smith requests more time to research the issues raised in the Report and Recommendations to
2 prepare Objections to the same.

3 2. Counsel for Defendant Smith has been in State Court on several matters this
4 week, including a change of plea (and work related thereto) in *State v. Harris C14300887*
5 (murder) and a multi-defendant sentencing (and work related thereto) in *State v. Morris*
6 *C15305322 (robbery)*. Additionally Counsel for Defendant Smith has been preparing for a
7 significant hearing in *State v. Morrow C112750009* (10-Life post conviction hearing) set for
8 January 12, 2016.

9 3. Defendants are incarcerated, but they do not object to the continuance of the
10 deadline for Objections.

11 4. Trial is currently set for April 5, 2016. As a result, a one-week continuance of the
12 Objection deadline is unlikely to affect the present trial date.

13 5. Additionally, denial of this request for continuance could result in a miscarriage of
14 justice.

15 6. This is the first stipulation filed herein to continue the deadline for Objections.

16 DATED this 7th day of January, 2016.

17 DANIEL G. BOGDEN
United States Attorney

TANASI LAW OFFICES

18 _____
19 /s/ Phillip N. Smith
PHILLIP N. SMITH, JR., ESQ
20 Assistant United States Attorney

21 _____
22 /s/ Richard E. Tanasi
RICHARD E. TANASI, ESQ
Counsel for Defendant Phillip Smith

23 _____
24 /s/ Rebecca Levy
REBECCA LEVY, ESQ.
25 Assistant Federal Public Defender
26 Attorney for Defendant Develle Merritte

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PHILLIP SMITH

DISTRICT COURT

CLARK COUNTY, NEVADA

UNITED STATES OF AMERICA,

Plaintiff,

Case No.: 2:11-cr-0058-JAD-CWH

PHILLIP SMITH; and
DEVELLE RURAL MERRITTE,

Defendant.

Findings of Fact, Conclusions of Law and Order

Based upon the pending Stipulation of the parties, and good cause appearing therefore, the Court finds that:

1. Counsel for Defendant Smith has been dealing with a heavy work-load, necessitating more time for Counsel to prepare Objections. Undersigned counsel for Defendant Smith requests more time to research the issues raised in the Report and Recommendations to prepare Objections to the same.

2. Counsel for Defendant Smith has been in State Court on several matters this week, including a change of plea (and work related thereto) in *State v. Harris C14300887* (murder) and a multi-defendant sentencing (and work related thereto) in *State v. Morris C15305322 (robbery)*. Additionally Counsel for Defendant Smith has been preparing for a

significant hearing in *State v. Morrow C11275009* (10-Life post conviction hearing) set for January 12, 2016.

3. Defendants are incarcerated, but they do not object to the continuance of the deadline for Objections.

4. Trial is currently set for April 5, 2016. As a result, a one-week continuance of the Objection deadline is unlikely to affect the present trial date.

5. Additionally, denial of this request for continuance could result in a miscarriage of justice.

6. This is the first stipulation filed herein to continue the deadline for Objections.

For all of the above-stated reasons, the ends of justice would be best served by a continuance of the deadline for Objections to the Report and Recommendations [Doc.#220].

CONCLUSIONS OF LAW

The additional time requested herein is not sought for purposes of delay, but merely to allow the parties sufficient time to allow Defendant adequate time to prepare Objections to the Report and Recommendations [Doc.#220], taking into account due diligence. The failure to grant said continuance would likely result in a miscarriage of justice.

ORDER

IT IS HEREBY ORDERED that Defendant's Objections to the Report and
Recommendations [Doc.#220]. be continued to January 15, 2016.

Dated: January 8, 2016.



UNITED STATES DISTRICT JUDGE
